

Fill in this information to identify your case:

United States Bankruptcy Court for the:

EASTERN DISTRICT OF NEW YORK

Case number (if known) _____ Chapter 11☐ Check if this an amended filing**Official Form 201****Voluntary Petition for Non-Individuals Filing for Bankruptcy**

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name 299 Throop Ave LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) 26-3160553

4. Debtor's address Principal place of business Mailing address, if different from principal place of business

299 Throop Avenue
Brooklyn, NY 11206

Number, Street, City, State & ZIP Code

Kings
County
4403 15th Avenue, #155
Brooklyn, NY 11219

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL) _____

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify: _____

Debtor 299 Throop Ave LLC
Name

Case number (if known) _____

7. Describe debtor's business**A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☒ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☐ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?**Check one:**

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. **Check all that apply:**

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District _____
District _____

When _____
When _____

Case number _____
Case number _____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☐ No
- ☒ Yes.

List all cases. If more than 1, attach a separate list

Debtor See Attachment
District _____

When _____

Relationship _____
Case number, if known _____

Debtor 299 Throop Ave LLC
Name

Case number (if known) _____

11. Why is the case filed in this district?*Check all that apply:*

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?☒ No☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.**Why does the property need immediate attention?** *(Check all that apply.)*☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).☐ Other _____**Where is the property?** _____

Number, Street, City, State & ZIP Code

Is the property insured?☐ No☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information**13. Debtor's estimation of available funds***Check one:*

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors☒ 1-49☐ 50-99☐ 100-199☐ 200-999☐ 1,000-5,000☐ 5001-10,000☐ 10,001-25,000☐ 25,001-50,000☐ 50,001-100,000☐ More than 100,000**15. Estimated Assets**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☒ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion**16. Estimated liabilities**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☒ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

Debtor 299 Throop Ave LLC
Name

Case number (if known) _____

Request for Relief, Declaration, and Signatures**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 3, 2023
MM / DD / YYYY**X** /s/ Zalmen Wagschal
Signature of authorized representative of debtorZalmen Wagschal
Printed nameTitle Sole Member**18. Signature of attorney****X** /s/ Julie Curley
Signature of attorney for debtorDate April 3, 2023
MM / DD / YYYYJulie Curley
Printed nameKirby Aisner & Curley LLP
Firm name700 Post Road
Suite 237
Scarsdale, NY 10583
Number, Street, City, State & ZIP CodeContact phone _____ Email address jcurley@kacllp.com4325494 NY
Bar number and State

Debtor 299 Throop Ave LLC Case number (if known) _____
 Name

Fill in this information to identify your case:

United States Bankruptcy Court for the:

EASTERN DISTRICT OF NEW YORK

Case number (if known) _____ Chapter 11

☐ Check if this an amended filing

FORM 201. VOLUNTARY PETITION
Pending Bankruptcy Cases Attachment

Debtor	<u>1427 43 St LLC</u>	Relationship to you	<u>Affiliate</u>
District	<u>EDNY</u>	When <u>4/4/23</u>	Case number, if known <u>23-</u>
Debtor	<u>221 Himrod St LLC</u>	Relationship to you	<u>Affiliate</u>
District	<u>EDNY</u>	When <u>4/4/23</u>	Case number, if known <u>23-</u>
Debtor	<u>634 Wilson Ave LLC</u>	Relationship to you	<u>Affiliate</u>
District	<u>EDNY</u>	When <u>4/4/23</u>	Case number, if known <u>23-</u>
Debtor	<u>867-871 Knickerbocker LLC</u>	Relationship to you	<u>Affiliate</u>
District	<u>EDNY</u>	When <u>4/4/23</u>	Case number, if known <u>23-</u>

**United States Bankruptcy Court
Eastern District of New York**

In re 299 Throop Ave LLC

Debtor(s)

Case No.

Chapter

11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Zalmen Wagschal 4403 15th Ave #155 Brooklyn, NY 11219	100%		

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the Sole Member of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date April 3, 2023
 Signature /s/ Zalmen Wagschal
Zalmen Wagschal

Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

**United States Bankruptcy Court
Eastern District of New York**

In re 299 Throop Ave LLC

Debtor(s)

Case No.
Chapter11

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, Zalmen Wagschal, declare under penalty of perjury that I am the Sole Member of 299 Throop Ave LLC, and that the following is a true and correct copy of the resolutions adopted by the Board of Managers of said company at a special meeting duly called and held on the 3rd day of April, 2023.

"Whereas, it is in the best interest of this Company to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Zalmen Wagschal, Sole Member of this Company, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Zalmen Wagschal, Sole Member of this Company is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Zalmen Wagschal, Sole Member of this Company is authorized and directed to employ Erica Aisner , attorney and the law firm of Kirby Aisner & Curley LLP to represent the corporation in such bankruptcy case."

Date April 3, 2023Signed /s/ Zalmen Wagschal
Zalmen Wagschal

Resolution of Board of Managers
of
299 Throop Ave LLC

Whereas, it is in the best interest of this Company to file a voluntary petition in the the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Zalmen Wagschal, Sole Member of this Company, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Zalmen Wagschal, Sole Member of this **Corporation** is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Zalmen Wagschal, Sole Member of this **Corporation** is authorized and directed to employ Erica Aisner , attorney and the law firm of Kirby Aisner & Curley LLP to represent the corporation in such bankruptcy case.

Date April 3, 2023 _____

Signed /s/ Zalmen Wagschal _____

Date _____

Signed _____

**United States Bankruptcy Court
Eastern District of New York**

In re 299 Throop Ave LLC

Debtor(s)

Case No. _____

Chapter 11

VERIFICATION OF CREDITOR MATRIX

The above named debtor(s) or attorney for the debtor(s) hereby verify that the attached matrix (list of creditors) is true and correct to the best of their knowledge.

Date: April 3, 2023/s/ Zalmen Wagschal

Zalmen Wagschal/Sole Member
Signer/Title

Date: April 3, 2023/s/ Julie Curley

Signature of Attorney
Julie Curley
Kirby Aisner & Curley LLP
700 Post Road
Suite 237
Scarsdale, NY 10583
Fax:

Able Best Pest Control Inc.
1274 49 St PMB 183
Brooklyn, NY 11219

Arthur Greig, as Receiver
98 Riverside Drive
New York, NY 10024

Arthur Greig, Receiver
98 Riverside Dr.
New York, NY 10024

Expediter Group
6007 16th Avenue
Brooklyn, NY 11204

Fannie Mae
1100 15th St NW
Washington, DC 20005

Fannie Mae
Attn: Daniel Corrigan and Michael Harary
c/o Windels Marx Lane & Mittendorf, LLP
New York, NY 10019

Fleischmann PLLC
150 Broadway, Suite 900
New York, NY 10038

Greystone Servicing Corporation, Inc.
419 Belle Air Lane
Warrenton, VA 20186

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

Law Office of Lawrence R Kulak
1450 37th St. Apt/Suite#2
Brooklyn, NY 11218

NYC Corporation Counsel
100 Church Street, RM 5-240
New York, NY 10007

NYC Dept. of Finance
345 Adams Street, 3rd Floor
Brooklyn, NY 11201

NYC Environmental Control Board
66 John St #10
New York, NY 10038

NYC Water Board
Andrew Rettig, Asst. Counsel
59-17 Junction Blvd, 13 Flr
Elmhurst, NY 11373-5108

NYS Dept. of Taxation & Finance
Bankruptcy/ Special Procedures Section
PO Box 5300
Albany, NY 12205-0300

Office of the United States Trustee
One Bowling Green
New York, NY 10004-1408

Pristine Facility Services Inc
4118 14th Ave Suite #199
Brooklyn, NY 11219

SWEEPY INC.
199 Lee Ave #992
Brooklyn, NY 11211

Tov Cooling of NY LLC
783 Bedford Ave
Brooklyn, NY 11205

US Small Business Administration
2 North Street, Ste 320
Birmingham, AL 35203

YHT Construction
320 Roebling Street Suite 205
Brooklyn, NY 11211

**United States Bankruptcy Court
Eastern District of New York**

In re 299 Throop Ave LLC

Debtor(s)

Case No. _____

Chapter 11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for 299 Throop Ave LLC in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

April 3, 2023

Date

/s/ Julie Curley

Julie Curley

Signature of Attorney or Litigant

Counsel for 299 Throop Ave LLC

Kirby Aisner & Curley LLP

700 Post Road

Suite 237

Scarsdale, NY 10583

Fax:

jcurley@kacllp.com

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

**STATEMENT PURSUANT TO LOCAL
BANKRUPTCY RULE 1073-2(b)**

DEBTOR(S): 299 Throop Ave LLC

CASE NO.: _____

Pursuant to Local Bankruptcy Rule 1073-2(b), the debtor (*or any other petitioner*) hereby makes the following disclosure concerning Related Cases, to the petitioner's best knowledge, information and belief:

[NOTE: Cases shall be deemed "Related Cases" for purposes of E.D.N.Y. LBR 1073-1 and E.D.N.Y. LBR 1073-2 if the earlier case was pending at any time within eight years before the filing of the new petition, and the debtors in such cases: (i) are the same; (ii) are spouses or ex-spouses; (iii) are affiliates, as defined in 11 U.S.C. § 101(2); (iv) are general partners in the same partnership; (v) are a partnership and one or more of its general partners; (vi) are partnerships which share one or more common general partners; or (vii) have, or within 180 days of the commencement of either of the Related Cases had, an interest in property that was or is included in the property of another estate under 11 U.S.C. § 541(a).]

☐ NO RELATED CASE IS PENDING OR HAS BEEN PENDING AT ANY TIME.

☒ THE FOLLOWING RELATED CASE(S) IS PENDING OR HAS BEEN PENDING:

1. CASE NO.: 23- JUDGE: DISTRICT/DIVISION: EDNY

DEBTOR NAME: 1427 43 St LLC

CASE STILL PENDING (Y/N): Y [If closed] Date of closing:

CURRENT STATUS OF RELATED CASE: Pending

(Discharged/awaiting discharge, confirmed, dismissed, etc.)

MANNER IN WHICH CASES ARE RELATED (*Refer to NOTE above*): Affiliate

REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN SCHEDULE "A" OF RELATED CASE: 1427 43 Street, Brooklyn, New York

2. CASE NO.: 23- JUDGE: DISTRICT/DIVISION: EDNY

DEBTOR NAME: 221 Himrod St LLC

CASE STILL PENDING (Y/N): Y [If closed] Date of closing:

CURRENT STATUS OF RELATED CASE: Pending

(Discharged/awaiting discharge, confirmed, dismissed, etc.)

MANNER IN WHICH CASES ARE RELATED (*Refer to NOTE above*): Affiliate

REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN SCHEDULE "A" OF RELATED CASE: 221 Himrod Street, Brooklyn, New York

(OVER)

DISCLOSURE OF RELATED CASES (cont'd)

3. CASE NO.: 23- JUDGE: DISTRICT/DIVISION: EDNY

DEBTOR NAME: 634 Wilson Ave LLC

CASE STILL PENDING (Y/N): Y [If closed] Date of closing:

CURRENT STATUS OF RELATED CASE: Pending

(Discharged/awaiting discharge, confirmed, dismissed, etc.)

MANNER IN WHICH CASES ARE RELATED (Refer to NOTE above): Affiliate

REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN SCHEDULE "A" OF RELATED CASE: 634 Wilson Avenue, Brooklyn, New York

4. CASE NO.: 23- JUDGE: DISTRICT/DIVISION: EDNY

DEBTOR NAME: 867-871 Knickerbocker LLC

CASE STILL PENDING (Y/N): Y [If closed] Date of closing:

CURRENT STATUS OF RELATED CASE: Pending

(Discharged/awaiting discharge, confirmed, dismissed, etc.)

MANNER IN WHICH CASES ARE RELATED (Refer to NOTE above): Affiliate

REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN SCHEDULE "A" OF RELATED CASE: 867-871 Knickerbocker Avenue, Brooklyn, New York

NOTE: Pursuant to 11 U.S.C. § 109(g), certain individuals who have had prior cases dismissed within the preceding 180 days may not be eligible to be debtors. Such an individual will be required to file a statement in support of his/her eligibility to file.

TO BE COMPLETED BY DEBTOR/PETITIONER'S ATTORNEY, AS APPLICABLE:

I am admitted to practice in the Eastern District of New York (Y/N): Y

CERTIFICATION (to be signed by pro se debtor/petitioner or debtor/petitioner's attorney, as applicable):

I certify under penalty of perjury that the within bankruptcy case is not related to any case now pending or pending at any time, except as indicated elsewhere on this form.

/s/ Julie Curley

Julie Curley

Signature of Debtor's Attorney

Kirby Aisner & Curley LLP

700 Post Road

Suite 237

Scarsdale, NY 10583

Fax:

Signature of Pro Se Debtor/Petitioner

Signature of Pro Se Joint Debtor/Petitioner

Mailing Address of Debtor/Petitioner

City, State, Zip Code

Area Code and Telephone Number

Failure to fully and truthfully provide all information required by the E.D.N.Y. LBR 1073-2 Statement may subject the debtor or any

DISCLOSURE OF RELATED CASES (cont'd)

other petitioner and their attorney to appropriate sanctions, including without limitation conversion, the appointment of a trustee or the dismissal of the case with prejudice.

NOTE: Any change in address must be reported to the Court immediately IN WRITING. Dismissal of your petition may otherwise result.